

CLOSED

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ALTAGRACIA ROSARIO,

Plaintiff,

v.

RAYMOND C. GEARY, QUINN &  
QUINN,

Defendants.

Hon. Joseph E. Irenas

Civil No. 09-0055 (JEI)(JS)

**ORDER**

For the reasons expressed in the Opinion filed herewith,

IT IS on this 30<sup>th</sup> day of March, 2009,

ORDERED that the Clerk shall reopen the file; and it is further

ORDERED that the Clerk shall make a new and separate entry on the docket reading  
"CIVIL CASE REOPENED;" and it is further

ORDERED that Plaintiff's application to proceed in forma pauperis is hereby granted and  
the Clerk shall file the Complaint without prepayment of the filing fee; and it is further

ORDERED that the Complaint is DISMISSED without prejudice for failure to state a  
claim upon which relief may be granted; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall forward a copy of this  
Order by regular mail to the United States Attorney for the Southern District of West Virginia  
and the Warden of FPC Alderson at Glen Ray Rd. Box A, Alderson West Virginia 24910; and it  
is further

ORDERED that Plaintiff is assessed a filing fee of \$350.00 which shall be deducted from her prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(1)(A), Plaintiff is assessed an initial partial filing fee equal to 20% of the average monthly deposits to the Plaintiff's prison account for the six month period immediately preceding the filing of the Complaint; when funds exist, the Bureau of Prisons shall deduct said initial fee from Plaintiff's prison account and forward it to the Clerk; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$350.00 filing fee is paid, each subsequent month that the amount in Plaintiff's prison account exceeds \$10.00, the Bureau of Prisons shall assess, deduct from the Plaintiff's account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to Plaintiff's prison account, with each payment referencing the docket number of this action; and it is further

ORDERED that the Clerk shall serve this Order and the accompanying Opinion on Plaintiff by regular mail and shall re-close the file; and it is finally

ORDERED that the Clerk shall make a new and separate docket entry reading "CIVIL CASE TERMINATED."



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**JOSEPH E. IRENAS**  
Senior United States District Judge